IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELATE CIVIL JURISDICTION

WRIT PETITION NO.6803 OF 1999

Dr.(Mrs.) Jaymala Vilasrao Patil
Aged 51 years, Occ: Service
R/o.A/p/ Ramanand Nagar
Kirloskar Wadi, Tal: Palus
Dist: Sangli. ..Petitioner

Vs.

State of Maharashtra
through the Secretary
Public Health Department.
Mantralaya, Mumbai.

2.The Chief Executive Officer
Sangli Zilla Parishad, Sangli.

3.Central Council of Indian Medicine
Having Office at Institutional Area
Janakpuri, New Delhi. ..Respondents

Mr.N.V.Bandiwadkar Advocate for Petitioner
Mr.R.D.Rane for Respondent No.2.

CORAM: F.I. REBELLO &
S.P. KUKDAY, JJ.
DATE: 11TH MARCH, 2005.

JUDGMENT (PER F.I.REBELLO,J.)

. Rule. Heard forthwith.

2. Petitioner is presently employed in the Office of Sangli Zilla Parishad, Sangli. She holds Diploma/Degree styled as M.F.A.M. (Member of Faculty of Ayurvedic Medicine). The grievance in this Petition is that though the pay-scales have been revised in so far the Petitioner is concerned the revised pay-scale of 2000-3500 is given with effect from 4th March, 1993 and to others who are styled as Graduates is given from 1st April, 1986. The Petitioner’s case is that her qualification

M.F.A.M. is also a Graduate qualifications and as such she ought to have been given the then revised pay-scales from 1st April, 1986 and subsequent revision there after. Reliance is placed on the letter issued by Maharashtra Council of Indian Medicines dated 16th April, 1982 addressed to the Principal, Ayurvedic Mahavidhaylaya wherein it is set out that the said qualifications is included in the II Schedule to the I.M.C.C. Act, 1970 and a qualification having a duration of four years and above may be treated as equivalent to Degree. It is also pointed out that another Division Bench of this Court in respect of similar qualifications in Writ Petition No.3369 of 1998, between Dr.N.S.Kulkarni and others Vs. Z.P. Satara and others decided on 25th October, 1999 allowed the Petition and directed revised pay-scales to holders of M.F.A.S. be given from 1st April, 1986.

. On the other hand on behalf of the Respondent the learned Counsel points out that they have received a letter from the Maharashtra Council of India Medicines dated 9th July, 1999 wherein they have intimated that M.F.A.M. is a Diploma Course. Considering that the Petitioner would not be entitled to the revised pay-scales from 1st April, 1986.

. We have heard learned Counsel, we have also

considered the letter issued by the Central Council of Indian Medicines. That letter says that the qualifications included in the II Schedule to I.M.C.C. Act, 1970 and having a duration of four years and above may be treated as equivalent to the Degree. In other words it is not a Degree but can be treated as equivalent to Degree. The Judgment in Writ Petition No.3369 of 1998 in respect of another Local Body even though by minutes of the order that qualification has been accepted as equivalent to a degree and salary released to the Petitioner therein. Atleast therefore for that limited purpose the Respondents have considered the said qualification as equivalent to a Degree. Once that be the case we see no reason as to why Petitioner should be denied the said benefits.

. We make it clear that we have so held considering the facts and issues and this judgment is not to be construed as holding that M.F.A.S. is a degree and/or for all purposes is equivalent to a degree.

. Considering the above, Rule made absolute in terms of prayer clause (b) and (c) Respondent to fix the pay-scale of Petitioner accordingly within three months and pay the dues within a period of three months thereafter.

(F.I.REBELLO,J.)

(S.P. KUKDAY,J.)